

TENNESSEE GENERAL ASSEMBLY
FISCAL REVIEW COMMITTEE



FISCAL MEMORANDUM

HB 1295 – SB 1391

February 28, 2014

SUMMARY OF ORIGINAL BILL: Provides that a pregnant mother can be prosecuted for assaultive offenses if the child is born addicted to or harmed by the woman's illegal use of narcotic drugs or for criminal homicide if the child dies as a result of the woman's illegal use of narcotic drugs.

FISCAL IMPACT OF ORIGINAL BILL:

NOT SIGNIFICANT

SUMMARY OF AMENDMENT (012324): Deletes provisions allowing for criminal prosecution for homicide when a pregnant woman's illegal drug use leads to the death of her unborn child.

FISCAL IMPACT OF BILL WITH PROPOSED AMENDMENT:

Unchanged from the original fiscal note.

Assumptions for the bill as amended:

- Tenn. Code Ann. §§ 39-13-107 and 39-13-214 were amended by Public Chapter 1006 of 2012, which changed the statutory language relative to human embryos and fetuses and deleted the proposed language of this bill. As a result, a pregnant woman could not be prosecuted for harming her unborn child from drug or alcohol abuse. *See* Opinion of the Attorney General 13-01 (Revised)(Feb. 1, 2013). The fiscal note for Public Chapter 1006 did not reflect a decrease in state expenditures from a reduction in convictions. Thus, amending Tenn. Code Ann. §§ 39-13-107 and -214 to allow pregnant mothers to be prosecuted for harming their unborn child from drug or alcohol abuse will not have a significant impact on the state, as the Department of Correction is currently receiving funding for such admissions.
- The bill, while not returning Tenn. Code Ann. §§ 39-13-107 and -214 to the same language that existed before Public Chapter 1006, provides that a pregnant woman can be prosecuted for harming her unborn child from drug or alcohol abuse.
- Since the bill essentially returns the law to how it was prior to Public Chapter 1006, it is assumed that the impact to the caseloads of the District Attorneys General Conference, the District Public Defenders Conference, and the Administrative Office of the Courts,

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will not be significant and that any impact can be accommodated within existing resources.

CERTIFICATION:

The information contained herein is true and correct to the best of my knowledge.

A handwritten signature in black ink, appearing to read "Lucian D. Geise". The signature is fluid and cursive, with the first name "Lucian" written in a larger, more prominent script than the last name "Geise".

Lucian D. Geise, Executive Director

/trm